

1 TOBIN & TOBIN
PAUL E. GASPARI, ESQ., SBN #76496
2 GREGORY J. RYKEN, ESQ., SBN # 058199
DANIEL C. ZAMORA, ESQ., SBN # 224375
3 500 Sansome Street, 8th Floor
San Francisco, CA 94111-3211
4 Telephone: (415) 433-1400
Facsimile: (415) 433-3883
5 Email: pgaspari@tobinlaw.com
gryken@value.net
6 dzamora@tobinlaw.com

7 Attorneys for Plaintiff,
BETTER HOMES REALTY, INC.

8 UNITED STATES DISTRICT COURT
9
10 NORTHERN DISTRICT OF CALIFORNIA

11 BETTER HOMES REALTY, INC.,

12 Plaintiff,

13 v.

14 LAWRENCE VECCHIO, VRI REALTY,
INC.,

15 Defendants.
16
17

CASE No. C07 3058 HRL

**STIPULATION & [PROPOSED] ORDER
CONTINUING CASE MANAGEMENT
CONFERENCE, INITIAL DISCLOSURE
PERIOD, AND ADR CERTIFICATION**

1 WHEREAS the Initial Case Management Conference in this action is currently scheduled
2 for November 29, 2007;

3 WHEREAS, initial disclosures are currently scheduled to be made on, and the Joint Case
4 Management Statement must currently be filed by, October 21, 2007;

5 WHEREAS plaintiff BETTER HOME REALTY, INC. ("Plaintiff") and Defendants
6 LAWRENCE VECCHIO and VRI REALTY, INC. ("Defendants") by and through their
7 principals, have been, and are still, negotiating the details of a licensing agreement, which
8 licensing agreement will become the centerpiece of an expected settlement of this entire action;

9 WHEREAS, both Plaintiff and Defendant wish to continue with their negotiations
10 regarding the licensing agreement and are optimistic that such an agreement will result in
11 settlement of the entire action;

12 WHEREAS, during the pendency of their negotiations, Plaintiff and Defendants both
13 desire to avoid the additional attorneys' fees and costs of preparing initial disclosures, drafting a
14 Joint Case Management Statement, selecting a form of ADR, and appearing at the Case
15 Management Conference;

16 THEREFORE, IT IS HEREBY STIPULATED, by and between Plaintiff and Defendants,
17 through their respective counsel of record, that the Initial Case Management Conference be
18 continued to Thursday, December 27, 2007 at 2:30 p.m. in Courtroom 2, the Hon. Phyllis J.
19 Hamilton presiding.

20 IT IS FURTHER STIPULATED that initial disclosure due date and the due date for filing
21 the Joint Case Management Statement, respectively, be continued to December 20, 2007, and
22 that the due date for filing the ADR Certification be continued to December 13, 2007.

23 Dated: November 15, 2007

TOBIN & TOBIN

24
25 By: /s/ _____
26 Paul E. Gaspari, Esq. SBN 76496
Attorneys for Plaintiff
BETTER HOMES REALTY, INC.

1 Dated: November 15, 2007

KRIEG, KELLER, et al.

2
3 By: /s/_____
Kenneth E. Keller, Esq. SBN 71450
4 Attorneys for Defendants
LAWRENCE VECCHIO and
5 VRI REALTY, INC.
6
7

8 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**
9

10 Dated: _____

Hon. Phyllis J. Hamilton
United States Magistrate Judge

PROOF OF SERVICE

CASE NAME: Better Homes Realty, Inc. v. Lawrence Vecchio, et al.
COURT: United States District Court, Northern District of California
CASE NO.: C07 3058 HRL

I, Glenda Broome, declare:

I am over the age of eighteen years and not a party to the cause. I am employed by the law firm of Tobin & Tobin, 500 Sansome Street, 8th Floor, San Francisco, California 94111-3211.

On November 15, 2007, I served the documents described as: **STIPULATION & [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE, INITIAL DISCLOSURE PERIOD, AND ADR CERTIFICATION** on the parties in this matter by placing a true copy thereof in a sealed envelope(s) addressed as follows:

Gregg A. Paradise, Esq.
Lerner, David, Littenberg, Krumholz &
Mentlik, LLP
600 South Avenue West
Westfield, New Jersey 07090
Tel: (908) 654-5000
Fax: (908) 654-7866

*Attorneys for Defendants Lawrence
Vecchio and VRI Realty, Inc.*

Kenneth Keller, Esq.
Krieg Keller, et al., LLP
114 Sansome Street, Floor 4
San Francisco, California 94104-3803
Tel: (415) 249-8330
Fax: (415) 249-8333
*Attorneys for Defendants Lawrence Vecchio and
VRI Realty, Inc.*

Service of the above document(s) was effectuated by the following means of service:

XX **By First Class Mail** -- I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. It is deposited with the United States Postal Service in the ordinary course of business on the same day it is processed for mailing. I caused such envelope(s) to be deposited in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

XX **Federal Court** -- I declare under penalty of perjury that the foregoing is true and correct and that service was made under the direction of a member of the bar of this Court who is admitted to practice and is not a party to the cause.

Executed this November 15, 2007, at San Francisco, California


Glenda Broome